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Attorneys for Plaintiff
and Third-Party Defendants
the Sports Shinko Companies

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

SPORTS SHINKO CO., LTD.,)	CV 04-00124 BMK
)	CV 04-00127 BMK
Plaintiff,)	
)	CONSOLIDATED CASES
vs.)	
)	PLAINTIFF'S MOTION TO
QK HOTEL, LLC, et al.,)	STRIKE DECLARATION OF
)	ROGER H. EPSTEIN, FILED
Defendants,)	OCTOBER 19, 2007 IN
)	SUPPORT OF THE KG
)	PARTIES' MOTION FOR

and)	PARTIAL SUMMARY
)	JUDGMENT, FILED MAY 10,
FRANKLIN K. MUKAI, et al.,)	2007; MEMORANDUM IN
)	SUPPORT OF MOTION;
Third-Party Plaintiffs,)	CERTIFICATE OF SERVICE
)	
vs.)	
)	
SPORTS SHINKO (USA) CO.,)	
LTD., et al.,)	
)	
Third-Party)	
Defendants,)	
)	
and)	
)	
SPORTS SHINKO (HAWAII) CO.,)	
LTD., et al.,)	
)	
Third-Party Defendants/)	
Counterclaimants,)	
)	
vs.)	
)	
QK HOTEL, LLC, et al.,)	
)	
Third-Party Counterclaim)	
Defendants.)	
)	
AND CONSOLIDATED CASES)	
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**PLAINTIFF'S MOTION TO STRIKE DECLARATION OF
ROGER H. EPSTEIN, FILED OCTOBER 19, 2007 IN SUPPORT
OF THE KG PARTIES' MOTION FOR PARTIAL SUMMARY
JUDGMENT, FILED MAY 10, 2007**

Plaintiff Sports Shinko Co. Ltd. moves to strike the purported expert declaration of Roger H. Epstein filed October 19, 2007 ("Epstein Declaration") in support of the KG Parties' Motion for Summary Judgment, filed May 10, 2007. The Epstein Declaration contains numerous improper and inadmissible legal conclusions and opinions. Indeed, it is merely a restatement of the KG Parties' legal argument and will not assist the Court in understanding the evidence or determining a fact at issue. Furthermore, the Epstein Declaration in part supports an argument outside the proper scope of a reply memorandum.

This motion is brought pursuant to F.R.C.P. Rule 7 and F.R.E. 702 and is based on the attached memorandum of law, the records and files in this case, and such other matters as may be brought forth at the hearing of this matter.

DATED: Honolulu, Hawai'i, November 2, 2007.

/s/ Jason H. Kim

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